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7 Attorneys for Defendants The Walt Disney
Company, Walt Disney Pictures, Disney Book
8 Group, LLC, Pixar, and Disney Enterprises, Inc.

9
10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

13 Deborah J. Thomas,

14 Plaintiff,

15 vs.

16 The Walt Disney Company, Walt Disney
Studios, Disney Press, Pixar Animation
17 Studios, Walt Disney Feature Animation, Walt
Disney Pictures, Disney Enterprises, Inc., and
18 DOES 1 through 100, Inclusive,

19 Defendants.

CASE NO. 3:07-CV-4392

**DECLARATION OF ANDREA PALLIOS
ROBERTS IN SUPPORT OF
DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE**

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22 I, Andrea Pallios Roberts, declare as follows:

23 1. I am an attorney licensed to practice law in the State of California. I am an
24 associate at the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel of record for
25 defendants The Walt Disney Company, Walt Disney Pictures (also sued as Walt Disney Studios
26 and Walt Disney Feature Animation), Disney Book Group, LLC (sued as Disney Press), Pixar
27 (sued as Pixar Animation Studios), and Disney Enterprises, Inc. ("Defendants") in this matter. I
28 make this declaration in support of Defendants' Request for Judicial Notice, filed concurrently

1 with their Motion to Dismiss Plaintiff Deborah J. Thomas' complaint. I have personal knowledge
2 of the facts stated herein and if called to testify could and would competently testify thereto.

3 2. On August 30, 2007, I downloaded from Westlaw a *Los Angeles Times* article
4 entitled "Disney Outlines Plan for 3 Pixar Films" and dated April 22, 2002. In part, the article
5 reports: "First on the slate of new Disney/Pixar films is 'Finding Nemo,' and underwater
6 adventure set for release in the summer of 2003." Attached as Exhibit A is a true and correct copy
7 of the article I obtained from Westlaw.

8 3. On August 30, 2007, I downloaded from Westlaw a *Business Week Online* article
9 entitled "Each Film Takes Four Years" and dated August 19, 2002. The article covers an
10 interview with Pixar's Steve Jobs in which he discussed some of the challenges of making
11 "Finding Nemo." Attached as Exhibit B is a true and correct copy of the article I obtained from
12 Westlaw.

13 4. On August 30, 2007, I downloaded from Westlaw a *Business Week Online* article
14 entitled "Can Pixar Keep Drawing Investors" and dated August 19, 2002. The article reports:
15 "Pixar's upcoming schedule includes Finding Nemo, about a clownfish named Marlin who lives in
16 the Great Barrier Reef with his son, Nemo (slated for release in 2003)." Attached as Exhibit C is a
17 true and correct copy of the article I obtained from Westlaw.

18 5. On August 30, 2007, I downloaded from Westlaw a *USA Today* article entitled
19 "New Films Make a Splash" and dated March 6, 2003. The article reports that theater owners got
20 a "first look" at

21 the latest Disney/Pixar film at the ShoWest industry convention. . . . Their
22 prediction: Nemo will be as big as the four previous collaborations between Walt
23 Disney and Pixar Studios. Due in theaters May 30, Nemo features the voices of
24 Albert Brooks and Ellen DeGeneres in the story of a widower clown fish who tries
25 to find his only son after the small fry is abducted by an Australian dentist for his
26 aquarium."

27 Attached as Exhibit D is a true and correct copy of the article I obtained from Westlaw.

28 6. On August 31, 2007, I downloaded from Westlaw a *Daily Star* article dated May
20, 2003. It reports that Claudia Schiffer took her son to the U.S. premiere of "Disney's

1 underwater animated movie Finding Nemo.” Attached as Exhibit E is a true and correct copy of
2 the article I obtained from Westlaw.

3 7. On August 31, 2007, I downloaded from Westlaw a *Chicago Sun Times* article
4 dated May 20, 2003 and entitled “All Families on deck.” It reports that Cindy Crawford took her
5 son to the Hollywood premiere of “Finding Nemo.” Attached as Exhibit F is a true and correct
6 copy of the article I obtained from Westlaw.

7 8. On August 31, 2007, I downloaded from Westlaw a *Daily News* article entitled
8 “Tinseltown Spywitness” and dated May 23, 2003. It reports on the Hollywood premiere of
9 “Finding Nemo,” saying “[c]elebrities turned out in schools and brought their little fishes along for
10 the swim up the ‘Finding Nemo’ blue carpet spread out in front of the El Capitan theater Sunday
11 afternoon.” Attached as Exhibit G is a true and correct copy of the article I obtained from
12 Westlaw.

13 9. On August 30, 2007, I downloaded from Westlaw a *Los Angeles Times* article
14 entitled “‘Nemo’ May Hook Public on Plight of Marine Life” and dated May 25, 2003. The
15 article discusses the concern the pet fish trade had with potential backlash caused by “Finding
16 Nemo”:

17 Pet fish importers . . . worry that the story of the plucky orange-and-white-striped
18 clownfish, kidnapped from his home in the Great Barrier Reef, will create a
19 backlash against an industry already laboring under the perception that it damages
20 fish habitats, particularly in coral reefs.

21 The article also references a premiere party the Sunday preceding the article’s release. Attached
22 as Exhibit H is a true and correct copy of the article I obtained from Westlaw.

23 10. On August 30, 2007, I downloaded from Westlaw a *Time Magazine* article entitled
24 “Hook, Line and Thinker” and dated May 26, 2003. The article gives a detailed account of the
25 film’s plot as follows:

26 Long before Nemo comes along, Marlin is a fussy little anxiety machine. When he
27 learns he’s to be a father -- of 400 baby clown fish -- he fidgets: ‘What if they don’t
28 like me?’ But he’s right to be concerned for his brood in the fish-eat-fish world of
Australia’s Great Barrier Reef. A shark devours Marlin’s wife and 399 of her eggs.
That leaves little Nemo (Alexander Gould) -- the one survivor, handicapped with
an underdeveloped fin -- and Marlin, burdened with an overdeveloped sense of
dread. When Nemo is old enough for fish school, Dad’s pessimism is again

1 validated: the lad defiantly swims into open water, where he is scooped up by an
 2 angler -- a dentist, with an aquarium in his office and a nasty, piscicidal little niece
 3 he can't wait to give this cute clown fish to. Marlin, who must now conquer his
 4 own fear of the great wet world, that 'swirling vortex of terror,' has a companion in
 5 his search: Dory (Ellen DeGeneres), a blue tang with a sunny disposition and a
 6 short-term memory problem. In their hunt for Nemo, they are aided and threatened
 7 by all manner of sea creatures: a menacing anglerfish, some not entirely
 8 trustworthy members of Sharks Anonymous, a school of shocking jellyfish and a
 9 family of surfer-due sea turtles. In captivity, Nemo finds his own friends: Peach,
 10 the starfish (Allison Janney), and the tank commander Gill (Willem Dafoe), a tough
 11 who mutters, 'Fish ain't meant to be in a box.'

12 Attached as Exhibit I is a true and correct copy of the article I obtained from Westlaw.

13 11. On August 30, 2007, I downloaded from Pixar's website at
 14 http://www.pixar.com/companyinfo/press_box/news/20030107-99092.htm a press release entitled
 15 "THQ to Develop Two Titles for Mac/IBM PC Based on Disney/Pixar's Finding Nemo" and
 16 dated January 7, 2003. The press release announces that THQ will develop two video games that
 17 "follow the adventures of Nemo and his marine-life friends." It also announces the offering of
 18 mini-games and puzzle challenges involving the film's central characters. And finally, the press
 19 release details the plot of the film:

20 *Finding Nemo* follows the comedic and eventful journeys of two fish - Marlin and
 21 his son Nemo - who became separated in the Great Barrier Reef when Nemo is
 22 unexpectedly taken far from home and thrown into a fish tank in a dentist's office
 23 overlooking Sydney harbor. Buoyed by the companionship of a friendly-but-
 24 forgetful fish named Dory, the overly cautious father embarks on a dangerous trek
 25 and finds himself the unlikely hero of an epic journey to rescue his son - who
 26 hatches a few daring plans of his own to return safely home.

27 Attached as Exhibit J is a true and correct copy of the press release I obtained from the Pixar
 28 website.

29 12. On August 30, 2007, I downloaded from Pixar's website at
 30 http://www.pixar.com/companyinfo/press_box/news/20030421-107870.htm a press release
 31 entitled "Free movie ticket for FINDING NEMO, the upcoming Walt Disney Pictures presentation
 32 of a Pixar Animation Studios film every FINDING NEMO video game" and dated April 21, 2003.
 33 The press release announces "an extensive marketing campaign" supporting the release of
 34 "Finding Nemo." "Highlights include a multimillion-dollar national television, print, radio and
 35 online campaign, in-theater marketing, numerous cross-promotions, and a free 'Finding Nemo'

1 movie ticket in all videogame units shipped with the initial launch.” The press release also
2 provides the plot description included in the January 7, 2003 press release. Attached as Exhibit K
3 is a true and correct copy of the press release I obtained from the Pixar website.

4 13. On August 30, 2007, I downloaded from Pixar’s website at
5 http://www.pixar.com/companyinfo/press_box/news/20030429-107871.htm a press release
6 entitled “Finding Nemo original Motion Picture Soundtrack drifts ashore on Walt Disney records.”
7 According to the Pixar website at [http://www.pixar.com/companyinfo/press_box/archive_2003](http://www.pixar.com/companyinfo/press_box/archive_2003.htm)
8 .htm, the press release was dated May 12, 2003. The press release announces the release of the
9 original motion pictures soundtrack by Walt Disney Records on May 20, 2003. The press release
10 provides the description of the plot line and main characters provided in the January 7 and April
11 21, 2003 press releases. Attached as Exhibit L is a true and correct copy of the press release I
12 obtained from the Pixar website.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct.

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16 DATED: August 31, 2007

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18 /s/ Andrea Pallios Roberts
19 Andrea Pallios Roberts
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